

Appln. No. : 10/035,389
Filed : December 28, 2001

REMARKS

Applicant initially would like to thank Mark Han and Brian Casler for the courtesies extended Applicant's representative at the interview summarized above.

In response to the Office Action mailed February 18, 2004, Applicant respectfully requests the Examiner to reconsider the above-captioned application. By this Amendment, Applicant has canceled claims 1-41 and 45-46. Applicant has amended claims 42-43 to further clarify preferred features. Applicant has added new claims 48 and 49. No new matter is added by this Amendment.

Rejection of Claims 1-4, 9-13, 18, 19 and 22-35 under 35 U.S.C. § 102(b)

The Examiner rejects claims 1-4, 9-13, 18, 19 and 22-35 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,462,529 to Simpson et al. As discussed above, Applicant has canceled claims 1-41, thereby rendering this rejection moot.

Rejection of Claims 36-44 under 35 U.S.C. § 102(b)

The Examiner rejects claims 36-44 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,163,905 to Don Michael. Applicant assumes that the Examiner also intended to reject claim 47 as being anticipated by Don Michael. Applicant has canceled claims 1-41, thereby rendering the rejection of claims 36-41 moot. The rejection of claims 42-44 and 47 is addressed below.

Applicant notes that Don Michael discloses a device for performing regional perfusion during obstruction dissolution. For example, Figure 1 of Don Michael illustrates an infusion catheter 2 having a first balloon 12 and a suction (i.e., aspiration) catheter 3 having a second balloon 13. The balloons 12, 13 create an enclosed region in a blood vessel. Perfusion holes 28, 30 are provided along the infusion catheter for allowing blood to bypass the enclosed region. Suction is applied to the suction catheter 3 for withdrawing a clot from the enclosed region. An

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outlet opening 10 is provided along the infusion catheter 2 for delivering a fluid (e.g., thrombolytic) to the enclosed region if necessary for dissolving the clot.

Applicant has amended claim 42 to further distinguish over Don Michael. Claim 42 now recites a method for treating an intravascular occlusion, comprising: 1) delivering a catheter having a proximal end and a distal end and a lumen extending therethrough into a blood vessel to a site near the occlusion, the catheter having an occlusive device on the distal end; 2) actuating the occlusive device at a location distal to the intravascular occlusion to at least partially occlude blood flow through the vessel; and 3) delivering a drug-containing fluid through the lumen of the catheter and out through at least one hole in a proximal face of the occlusive device such that the fluid is delivered in a distal to proximal direction. Don Michael fails to teach or suggest method wherein fluid is delivered out through at least one hole in a proximal face of the occlusive device.

Accordingly, Don Michael does not teach or suggest the methods recited in Applicant's claim 42. Applicant further submits that Don Michael does not teach or suggest the methods recited in dependent claims 43-44 and 47. Therefore, Applicant respectfully requests the Examiner to withdraw the rejections of claims 42-44 and 47 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,163,905 to Don Michael.

Rejection of Claims 20-21 under 35 U.S.C. § 103

The Examiner rejects claims 20-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,462,529 to Simpson et al. As discussed above, Applicant has canceled claims 1-41, thereby rendering this rejection moot.

Rejection of Claims 5 and 14 under 35 U.S.C. § 103(a)

The Examiner rejects claims 5 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Simpson et al. in view of U.S. Patent No. 5,588,962 to Nicholas et al. As discussed above, Applicant has canceled claims 1-41, thereby rendering this rejection moot.

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Rejection of Claims 6-8 and 15-17 under 35 U.S.C. § 103(a)

The Examiner rejects claims 6-8 and 15-17 under 35 U.S.C. § 103(a) as being unpatentable over Simpson et al. in view of U.S. Patent No. 5,810,767 to Klein. As discussed above, Applicant has canceled claims 1-41, thereby rendering this rejection moot.

Allowable Subject Matter

Applicant appreciates the Examiner's determination that claims 45 and 46 recite allowable subject matter. Applicant has rewritten claim 45 in independent form as new claim 48 and dependent claim 46 has been rewritten as new claim 49.

CONCLUSION

In light of the foregoing amendments and the above remarks, Applicant presents this application in condition for allowance, and such action is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the attorney of record at the telephone number indicated below.

Respectfully submitted,

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